



RESPONSE UNDER
37 C.F.R. §1.116
EXPEDITED PROCEDURE
GROUP ART UNIT 1614

Dkt. 7156/52427-AA/JPW/GJG/BJA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Don Fishbein
Serial No. : 10/799,264 Examiner: Alicia R. Hughes
Filed : March 12, 2004 Group Art Unit: 1614
For : USE OF OXANDROLONE IN THE TREATMENT OF BURNS AND
OTHER WOUNDS

30 Rockefeller Plaza, 20th Fl.
New York, New York 10112
April 1, 2009

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

NOTICE OF APPEAL FROM THE EXAMINER'S DECISION TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed October 17, 2008 finally rejecting pending claims 30-47 in the above-identified application.

A response to the October 17, 2008 Final Office Action was due January 17, 2009. Applicant is petitioning for a three-month extension of time in the accompanying Communication In Response To October 17, 2008 Final Office Action, Petition For Three-Month Extension Of Time, And Supplemental Information Disclosure Statement also being filed on April 1, 2009. With a three-month extension of time, a response to the October 17, 2008 Final Office Action is now due April 17, 2009. Accordingly, this Notice of Appeal is being timely filed.

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Page 2

The required fee set forth in 37 C.F.R. §1.17(b) for filing a Notice of Appeal for a small entity is TWO HUNDRED AND SEVENTY DOLLARS (\$270.00), and a check in this amount is enclosed. Applicants have previously established small entity status.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorneys invite the Examiner to telephone him at the number provided below.

No fee, other than the enclosed \$270.00 fee, is deemed necessary in connection with the filing of this Notice of Appeal. However, if an additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:	
Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
<i>Gary J. Gershik</i>	<i>4/1/09</i>
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